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M&F, LLP Docket. No. 2976-4039US1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Tim KEITH et al. Group Art Unit: To Be Assigned
Serial No. : 09/834,597 Examiner: To Be Assigned
Filed : April 13, 2001
For : *Novel Human Gene Relating to Respiratory Disease, Obesity, and
Inflammatory Bowel Disease*

PETITION UNDER 37 C.F.R. §1.47(a)

Commissioner of Patents
P.O. Box 2327
Arlington, VA 22202

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NOV 30 2001

Sir:

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

It is respectfully requested that the combined declaration and power of attorney in above-identified patent application be accepted without the signature of Sanil Pandit, one of the eight joint inventors of the subject matter of the application, pursuant to 37 C.F.R. § 1.47(a).

Inventor Sunil PANDIT does not respond to repeated requests for him to execute the combined declaration and power of attorney, following diligent efforts to reach him and to request that he sign this document, as detailed in the accompanying Statement of Facts. Therefore, inventors Tim KEITH, Randall LITTLE, Paul VAN EERDEWEGH, Josée DUPUIS, Richard DEL MASTRO, Jason SIMON, and Kristina ALLEN are signing the combined declaration and power of attorney on behalf of themselves and also on behalf of the non-signing inventor Sanil PANDIT in accordance with 37 C.F.R. §1.47(a).

This Petition is also accompanied by the following:

- (1) a copy of the Notice to File Missing Parts of a Nonprovisional Patent

EL 853 250 007 US

Application, Filing Date Granted, mailed June 25, 2001 from the United States Patent and Trademark Office;

(2) a response to the Notice to File Missing Parts;

(3) a combined declaration and power of attorney executed by joint inventors Tim Keith, Randall Little, Paul Van Eerdewegh, Josée Dupuis, Richard Del Mastro, Jason Simon and Kristina Allen on behalf of themselves and also on behalf of the non-signing inventor Sunil Pandit.

(4) a check for the surcharge of \$130.00 for the filing of a belated declaration.

(5) a Statement of Facts, signed by Caryn DeHoratius of Morgan & Finnegan, LLP, authorized by Genome Therapeutics Corporation to prosecute the above-referenced patent application, which accompanies this Petition and provides facts and exhibits in support of the need of the signing inventors to sign the declaration for this application on behalf of themselves and an omitted inventor who refuses to sign the declaration, after diligent effort in accordance with 37 C.F.R. § 1.47(a);

(6) a petition pursuant to 37 C.F.R. §1.136(a) for a three-month extension of time to effect timely filing of the response to the Notice, the accompanying documentation and the petition under 37 C.F.R. §1.47(a); and

(7) a check for \$920.00 (for the one-month extension of time).

The most current address known for the nonsigning inventor is stated in the Statement of Facts and is as follows: Sunil Pandit, 353 W Side Drive, Apt. 202, Gaithersburg, Maryland 20878 USA. Sunil Pandit's current telephone number is (301) 527-1324.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fee(s) which may be required for this Petition under 37 C.F.R. §1.47(a), and accompanying papers, or to credit any overpayment, to Deposit Account No. 13-4500, Order No. 2976-4039US1.

Respectfully submitted,

MORGAN & FINNEGAN, LLP

By: 

Caryn DeHoratius

Registration No. 45,881

Dated: November 26, 2001

Correspondence Address

MORGAN & FINNEGAN, LLP

345 Park Avenue

New York, New York 10154-0053

Telephone: (212) 758-4800

Facsimile: (212) 751-6849